

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 8.5 Consumer Products

Article 3. Aerosol Coating Products

§ 94524. Administrative Requirements.

(a) Most Restrictive Limit.

Except as otherwise provided in section 94522(a)(4), if anywhere on the container of any aerosol coating product subject to the specified limits in section 94522(a)(2) or (a)(3), or on any sticker or label affixed thereto, or in any sales or advertising literature, any representation is made that the product may be used as, or is suitable for use as a product for which a lower limit is specified, then the lowest applicable limit shall apply.

(b) Labeling Requirements.

(1) Both the manufacturer and responsible party for each aerosol coating product subject to this article shall ensure that all products clearly display the following information on each product container which is manufactured 90 days or later after the effective date of this article.

(A) Products subject to the VOC limits specified in section 94522(a)(2) shall display: 1. the applicable VOC standard for the product that is specified in section 94522(a)(2), expressed as a percentage by weight unless the product is included in an alternative control plan approved by the Executive Officer, as provided in Article 4, Sections 94540-94555, Title 17, California Code of Regulations, and the product exceeds the applicable VOC standard; 2. if the product is included in an alternative control plan approved by the Executive Officer, and the product exceeds the applicable VOC standard specified in section 94522(a)(2), the product shall be labeled with the term "ACP" or "ACP product"; 3. the aerosol coating category as defined in section 94521, or an abbreviation of the coating category; and 4. the day, month, and year on which the product was manufactured, or a code indicating such date.

(B) Products subject to the reactivity limits specified in section 94522(a)(3) shall display: 1. The applicable reactivity limit for the products that is specified in section 94522(a)(3); 2. The aerosol coating category as defined in section 94521, or an abbreviation of the coating category; and 3. The day, month, and year on which the product was manufactured, or a code indicating such date.

(2) The information required in section 94524(b)(1), shall be displayed on the product container such that it is readily observable without removing or disassembling any portion of the product container or packaging. For the purposes of this subsection, information may be displayed on the bottom of a container as long as it is clearly legible without removing any product packaging.

(3) No person shall remove, alter, conceal, or deface the information required in section 94524(b)(1) prior to final sale of the product.

(4) For any aerosol coating product subject to section 94522(a), if the manufacturer or responsible party uses a code indicating the date of manufacture or an abbreviation of the coating category as defined in section 94521, an explanation of the Code or abbreviation must be filed with the Executive Officer prior to the use of the code or abbreviation

(c) Reporting Requirements

(1) Any responsible party for an aerosol coating product subject to this article which is sold, supplied, or offered for sale in California, must supply the Executive Officer of the Air Resources Board with the following information within 90 days of the effective date of this article: the company name, mail address, contact person, and the telephone number of the contact person. For responsible parties who do not manufacture their own aerosol coating products, the responsible party shall also supply the information specified in this subsection (c)(1) for those manufacturers which produce products for the responsible party.

The responsible party shall also notify the Executive Officer within 90 days of any change in the information supplied to the Executive Officer pursuant to this subsection (c)(1).

(2) Upon 90 days written notice, each manufacturer or responsible party subject to this article shall submit to the

Executive Officer a written report with all of the following information for each product they manufacture under their name or another company's name:

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 8.5 Consumer Products

Article 3. Aerosol Coating Products

- (A) the brand name of the product;
- (B) upon request, a copy of the product label;
- (C) the owner of the trademark or brand names;
- (D) the product category as defined in section 94521;
- (E) the annual California sales in pounds per year and the method used to calculate California annual sales;

(F) product formulation data: 1. For products subject to the VOC limits specified in section 94522(a)(2), the percent by weight VOC, water, solids, propellant, and any compounds exempt from the definition of VOC as specified in section 94521; 2. for products subject to the reactivity limits specified in section 94522(a)(3), the PWMIR and the weight fraction of all ingredients including: water, solids, each ROC, and any compounds assigned a MIR value of zero as specified in sections 94522(h), 94700, or 94701 [Each ROC must be reported as an ingredient if it is present in an amount greater than or equal to 0.1 percent by weight of the final aerosol coatings formulation. If an individual ROC is present in an amount less than 0.1 percent by weight, then it does not need to be reported as an ingredient. In addition, an impurity that meets the following definition does not need to be reported as an ingredient.

For the purpose of this section, an "impurity" means an individual chemical compound present in a raw material which is incorporated into the final aerosol coatings formulation, if the compound is present below the following amounts in the raw material:

(i) for individual compounds that are carcinogens, as defined in 29 CFR section 1910.1200(d)(4), each compound must be present in an amount less than 0.1 percent by weight in order to be considered an "impurity."

(ii) for all other compounds present in a raw material, a compound must be present in an amount less than 1 percent by weight in order to be considered an "impurity";

(G) an identification of each product brand name as a "household," "industrial," or "both" product; and

(H) any other information necessary to determine the emissions or the product-weighted MIR from aerosol coating products.

The information requested in this section (c)(2) may be supplied as an average for a group of aerosol coating products within the same coating category when the products do not vary in VOC content by more than two percent (by weight), and the coatings are based on the same resin type, or the products are color variations of the same product (even if the coatings vary by more than 2 percent in VOC content).

(3) Upon written request, the responsible party for aerosol coating products subject to this article shall supply the executive officer with a list of all exempt compounds contained in any aerosol coating product within 15 working days.

(d) Treatment of Confidential Information.

All information submitted by manufacturers pursuant to section 94524 shall be handled in accordance with the procedures specified in Title 17, California Code of Regulations, sections 91000-91022.

(e) Special Reporting Requirements for Perchloroethylene-Containing Aerosol Coatings

(1) The requirements of this subsection shall apply to all responsible parties for perchloroethylene-containing aerosol coatings sold or offered for sale in California on or after January 1, 1996. For the purpose of this subsection, "perchloroethylene-containing aerosol coatings" means any aerosol coating that is required to comply with any limit specified in section 94522(a)(2) or (a)(3) and contains 1.0 percent or more by weight (exclusive of the container or packaging) of perchloroethylene (tetrachlorethylene).

(2) Reporting Requirements to Establish Baseline. On or before March 1, 1997, or 60 days after the effective date of this subsection (e) (whichever date occurs later), all responsible parties for perchloroethylene-containing aerosol coatings shall report to the Executive Officer the following information for each product:

- (A) the product brand name and a copy of the product label with legible usage instructions;
- (B) the product category to which the aerosol coating belongs;

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 8.5 Consumer Products

Article 3. Aerosol Coating Products

(C) the total amount of the aerosol coating sold in California between January 1, 1996 and December 31, 1996, to the nearest pound (exclusive of the container or packaging), and the method used for calculating the California sales;

(D) the weight percent, to the nearest 0.10 percent, of perchloroethylene in the aerosol coating;

(3) Annual Reporting Requirements. On or before March 1, 1998, March 1, 1999, March 1, 2000, March 1, 2001, and March 1, 2002, all responsible parties subject to the requirements of this subsection shall provide to the Executive Officer an update which reports, for the previous calendar year, any changes in the annual California sales, perchlorethylene content, or any other information provided pursuant to subsections (e)(2)(A) through (e)(2)(D). After March 1, 2002, responsible parties are not required to submit this information unless specifically required to do so by the Executive Officer.

(4) Upon request, the Executive Officer shall make the information submitted pursuant to this subsection available to publicly owned treatment works in California, in accordance with the procedures for handling of confidential information specified in Title 17, California Code of Regulations, sections 91000-91022.

(A) On or before July 1, 2002, the Executive Officer shall evaluate the information, along with data on influent and effluent levels of perchloroethylene as reported by publicly-owned treatment works and any other relevant information, to determine if it is likely that publicly-owned treatment works are experiencing increased levels of perchloroethylene, relative to 1996 levels, that can be attributed to aerosol coatings which contain perchloroethylene.

(B) If the Executive Officer determines that it is likely that increased perchloroethylene levels at the publicly-owned treatment works are caused by increased levels of perchloroethylene in consumer products subject to this regulation, then the Executive Officer shall, in conjunction with the publicly-owned treatment works, implement measures which are feasible, appropriate, and necessary for reducing perchloroethylene levels at the publicly-owned treatment works.

NOTE: Authority cited: Sections 39600, 39601, 41511 and 41712, Health and Safety Code. Reference: Sections 39002, 39600, 40000, 41511 and 41712, Health and Safety Code

REFERENCE